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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,398	01/15/2004	Hideki Tomoto	108179-00036	4942

7590 09/19/2006
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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,398

Applicant(s)

TOMOTO, HIDEKI

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demendi et al(US 5538649) in view of Nesbitt et al(US 6350520 B1). The primary reference to Demendi et al teaches the claimed article comprising compound s as claimed of specific weight percent and binder material(col 2, lines 52-59; col 3, lines 10-36; see entire reference. fference, in the absence of unexpected results motivated by the desire to . The reference, however, is silent to the aspect of the carbon material include "untreated" surface portions. The secondary reference to Nesbitt et al, however teaches that it is known in the art to facilitate such carban material, as taught by the primary reference to include such untreated material- col 4, lines 10-25; col 2, lines 57-65; col 5, lines 25-29; col 7, lines 26-45; col 4, lines 60-col 5, line 10. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and include such untreated carbon material in the primary re impart desired article characteristics- col 8, lines 41-65.. Concerning claims 2-10, the primary reference teaches heat treating its material, and employing same for sealing purposes- see above. The secondary reference teaches these limitations throughout its disclosure- see col 4, line 17; col 5, lines 27-29. The primary reference teaches silicon carbide mating element in example

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4, col 9-10). Concerning claims 16-18, the secondary reference teaches high temperature- col 5, lines 9-29; col 7, lines 65-66; selected hardness(col 7, lines 38-40) and similar utilization material(col 9, lines 26-60).

3. Claims 12-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watada et al(US 5990222) in view of Nesbitt et al(US 6350520 B1). The cited primary reference teaches the claimed process including blending source material,, mixing and molding the material- col 3, lines 9-12; col 4, lines 18-24; col 4, lines 30-45; see Examples cited. . The reference, however, is silent to the aspect of the carbon material include "untreated" surface portions. The secondary reference to Nesbitt et al, however teaches that it is known in the art to facilitate such carbon material, as taught by the primary reference to include such untreated material- col 4, lines 10-25; col 2, lines 57-65; col 5, lines 25-29; col 7, lines 26-45; col 4, lines 60-col 5, line 10. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and include such untreated carbon material in the primary re impart desired article characteristics- col 8, lines 41-65. Concerning claims 13-15, the primary reference teaches similar resin material, fiber dimensions- see reference. The secondary reference additionally teaches , the secondary reference teaches high temperature- col 5, lines 9-29; col 7, lines 65-66; selected hardness(col 7, lines 38-40) and similar utilization material(col 9, lines 26-60) as required by claims 19-21.

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In the alternative, the specifics of the article limitations are not germane to the instant question for patentability which must be manipulatively distinct- Ex parte Pfeiffer, 21962 C.D. 408(1961). The process is carried out in similar temperature ranges as claimed.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sheehan(US 5993905) is cited of interest to show the sate of the art.

5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner
Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and
8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700